

<b>Addressing</b>			
<b>From</b>		<b>To</b>	
"Smith, Justin" <JuSmith@ENRD.USDOJ.GOV>		Laurie Kermish/R9/USEPA/US@EPA	
<b>CC</b>		<b>BCC</b>	
<b>Description</b>		Form Used: Memo	
<b>Subject</b>		<b>Date/Time</b>	
RE: Northern California River Watch		03/27/2003 05:15 PM	
<b># of Attachments</b>	<b>Total Bytes</b>	<b>NPM</b>	<b>Contributor</b>
0	19,735		Kimberly Wells
<b>Processing</b>			
<b>Comments</b>			

Body

### Document Body

Attor

-----Original Message-----

From: Kermish.Laurie@epamail.epa.gov [<mailto:Kermish.Laurie@epamail.epa.gov>]

Sent: Thursday, March 27, 2003 5:16 PM

To: jusmith@enrd.usdoj.gov; moore.kathi@epamail.epa.gov; Drelich.David@epamail.epa.gov

Subject: Northern California River Watch

fyi

----- Forwarded by Laurie Kermish/R9/USEPA/US on 03/27/2003 02:14 PM

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Jeremy Johnstone

To: laurie kermish

03/27/2003 01:14 cc:

PM

Subject: Northern California River Watch

[http://www.pressdemocrat.com/local/news/27riverwatc\\_b1.html](http://www.pressdemocrat.com/local/news/27riverwatc_b1.html)

County water agency may face suit over access

March 27, 2003

By SPENCER SOPER  
THE PRESS DEMOCRAT

The environmental group Northern California River Watch has threatened to sue the Sonoma County Water Agency if it doesn't let the group inspect its sewage treatment plants and interview its employees about alleged violations of the federal Clean Water Act.

The group also wants the Water Agency to host a public forum to give conservationists a greater say in how the region's water distribution and sewage treatment systems are managed.

The Occidental-based group's lawsuit threat comes in the face of mounting criticism about its aggressive legal tactics. Some critics have maintained the group's lawsuits do little but generate attorney fees for River Watch lawyer Jack Silver.

In connection with a River Watch lawsuit against the city of Willits, U.S. Justice Department attorneys recently said they will monitor the group's future activities to determine if a "pattern of substantial attorney's fees and limited relief" exists.

But River Watch supporters say the group gives a nudge to businesses and governments that are taking too long to fix known pollution problems.

The group's latest threat is a "knock on the door" for the county Water Agency that it can cooperate with the group or fight it in court, Silver said.

"The root causes are with (Water Agency) management, and with management's unwillingness to listen to what the environmental community has to say," Silver said.

Water Agency officials say they are well aware of the problems at their sewage treatment plants, most of which are in western Sonoma County, and they are aggressively working to correct them.

The biggest challenge is securing state funding to pay for plant upgrades in small Russian River communities like Occidental, whose customers cannot foot the bill on their own, Water Agency officials say.

If River Watch files a lawsuit, it will only waste money that could be used for plant upgrades, county Supervisor Paul Kelley said.

"There's no greater waste of public resources than dealing with a law firm like Silver & Silver," Kelley said. "This organization and law firm use the Clean Water Act to extort money from small water districts."

The Water Agency, which is overseen by county supervisors, provides water to more than 500,000 residents in the North Bay and operates sewage treatment plants in various areas of unincorporated Sonoma County.

The lawsuit threat is the latest blow by environmentalists who maintain the Water Agency is more concerned with expanding its Russian River water system than preserving the county's water supply and preventing pollution.

Silver's letter, received by the Water Agency on Friday, alleges more than 2,000 violations of the Clean Water Act at seven sewage treatment plants in the past five years.

The alleged problems include sewage spills, leaking sewer lines, treated wastewater discharged into rivers and streams exceeding state standards for contamination, and failure to adequately report or describe violations.

They are documented in records kept by the North Coast Regional Water Quality Control Board, a state environmental protection agency that has already fined the Water Agency for some of the violations alleged in Silver's letter.

Randy Poole, general manager of the Water Agency, said most of the alleged violations are minor.

But Silver said River Watch is worried that a pattern of problems spanning several years will hurt wildlife and threatens those who use the river for recreation.

River Watch has filed numerous lawsuits under the Clean Water Act against cities throughout Northern California in the past two years, including Santa Rosa, Healdsburg, Willits, Fort Bragg, Fortuna and Crescent City.